

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AMY MARR
PLAINTIFF

VS.

HAROLD E. CROXTON and
AVAILABLE MOVERS & STORAGE,
INC. & RYDER TRUCK RENTAL, INC.
DEFENDANTS

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CIVIL ACTION NO.: 5:21-cv-961

**DEFENDANTS HAROLD E. CROXTON AND
AVAILABLE MOVERS & STORAGE, INC.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendants, Harold E. Croxton ("Croxton") and Available Movers & Storage, Inc. ("Available Movers"), by and through their counsel, filing its Original Answer to Plaintiff's Original Petition, and in support show as follows:

1. **Parties:** Defendants are without knowledge sufficient to admit or deny the statements made in paragraph 1 with regard to Plaintiff's residence, but has no current information contradicting Plaintiff's claim of residence in Hidalgo County, Texas.

2. **Parties:** Defendants admit that Croxton is a residence and citizen of the County of Bronx and state of New York and that his address is 2439 Fuller 3 Bronx, New York 10461. Defendant admits a portion of the crash report is copied and pasted into the Petition. Defendant admits he was served with the citation and lawsuit.

3. **Parties:** Defendants admit that Available Movers is a licensed motor carrier that has done business in the State of Texas. Defendant Available Movers denies it is a resident or citizen of the State of Texas. Defendant Available Movers denies it has been served with process in this case, but voluntarily waives service at this time. Defendants cannot admit or deny the remainder of paragraph 3.

4. **Parties:** Defendants admit that Ryder Truck Rental is a corporation that has been incorporated in Florida and has its principal office in Miami, Florida. In that regard, Ryder Truck Rental, Inc. is a citizen and resident of Florida. Defendants cannot admit or deny the remainder of paragraph 4.

5. **Jurisdiction and Venue:** Defendants cannot admit or deny that the amount in controversy is within the jurisdictional limits of Texas State District Court. Defendants admit conducting activities in the State of Texas and establishing minimum contacts with the State of Texas sufficient to establish jurisdiction. Defendants cannot admit or deny the remainder of paragraph 5.

6. **Jurisdiction and Venue:** Defendants admit to operating a tractor in Bexar County, Texas and hauling goods in Bexar County, Texas. Defendants deny the remaining allegations in paragraph 6 of Plaintiff's Original Petition.

7. **Facts:** Defendants admit the allegations in paragraph 7 of Plaintiff's Original Petition.

8. **Facts:** Defendants admit there was a collision between a commercial truck it owned and Plaintiff's car near the 7200 block of Huebner Road in Bexar County, Texas on or about July 27, 2020. Defendant denies the remaining allegations in paragraph 8.

9. **Negligence Causes of Action:** Defendants denies the allegations in paragraph 9, including its subparts, of Plaintiff's Original Petition.

10. **Negligence Causes of Action:** Defendants deny the allegations in paragraph 10 of Plaintiff's Original Petition.

11. **Gross Negligence:** Defendants deny the allegations in paragraph 11 of Plaintiff's Original Petition.

12. **Respondeat superior and vicarious liability:** Defendants admit Harold E. Croxton was an employee of Available Movers and was working at the time of the accident alleged in paragraph 12. Defendants deny the remaining allegations in paragraph 12 of Plaintiff's Original Petition.

13. **Employer's independent negligence:** Defendants deny the allegations in paragraph 13, including its subparts, of Plaintiff's Original Petition.

14. **Employer's independent negligence:** Defendants deny the allegations in paragraph 14, including its subparts, of Plaintiff's Original Petition.

15. **Negligent Entrustment:** Defendants deny the allegations in paragraph 15 of Plaintiff's Original Petition.

16. **Damages:** Defendants deny the allegations in paragraph 16 and all its subparts of Plaintiff's Original Petition.

PRAYER

Defendants Croxton and Available Movers deny each and every allegation or prayer for relief not specifically addressed above. Croxton and Available Movers respectfully pray that Plaintiff take nothing by her cause of action, that Defendants recover their costs incurred, and for such other and further relief, both at law and in equity, to which Defendants may show themselves justly entitled.

Respectfully submitted,



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**ATTORNEY FOR DEFENDANT,
HAROLD E. CROXTON and AVAILABLE
MOVERS & STORAGE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Federal Rules of Civil Procedure on this the 8th day of October 2021, to the following counsel of record:

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Erik L. Krudop